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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/950,097	09/10/2001	Donald Stylinski	H0001343	2242

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EXAMINER

SAADAT, CAMERON

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 05/09/2003 *5*

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/950,097

Applicant(s)

STYLINSKI ET AL.

Examiner

Cameron Saadat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 September 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1, 7 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Huffman et al. (USPN 6,053,736; hereinafter Huffman).**

Regarding claims 1 and 7, Huffman discloses a content-providing system for a flight simulator, the system comprising: a gateway having an interface to a digital network; and at least one host computer system 16 executing a server portion of the flight simulator program; wherein the gateway is operable to receive a request for a connection to the server portion from a user executing a client portion 11 of the flight simulator program over the digital network, and to establish a connection between the client portion and the server portion such that primary processing for the flight simulator takes place at the server portion, and such that interface updates are processed at said client portion (Col. 5, lines 8-12).

Regarding claim 11, Huffman discloses a program that is an aircraft simulation program (see Abstract).

3. **Claims 15-16 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Darago et al. (USPN 6,170,014 B1; hereinafter Darago).**

Regarding claim 15, Darago discloses system for providing access to a computer application over a network, the system comprising: an interface to the network; a plurality of cards, each of said plurality of cards comprising a card processor configured to execute one of said plurality of computer applications; and a host processor in communication with the interface and with each of said plurality of cards, wherein said host processor is operatively configured to provide access to one of said plurality of card processors via said network (Col. 19, lines 14-24).

Regarding claim 16, Darago discloses that a plurality of computer applications may include aircraft simulation programs (Col. 1, lines 30-32).

Regarding claim 20, Darago discloses a system comprising a high-level architecture network (see Abstract).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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**6. Claims 2-4 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huffman et al. (USPN 6,053,736; hereinafter Huffman) in view of Darago et al. (USPN 6,170,014 B1; hereinafter Darago).**

Huffman discloses all of the claimed subject matter of claims 2-4 and 8-10 with the exception of not explicitly disclosing a database (as per claim 2) operable for providing authentication information of a user (as per claims 3 and 8) and billing information (as per claim 4, 9-10). However, Darago discloses a system for providing a flight simulator (Col. 1, lines 30-32) via a network, wherein the system accesses database 302 and 408 to verify user authentication information and billing information. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the storage unit described in Huffman, by providing a database for user authentication and billing information, in light of the teachings of Darago, in order to provide intellectual property licensing enforcement.

**7. Claims 5-6 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huffman et al. (USPN 6,053,736; hereinafter Huffman) in view of Lin (USPN 6,478,581 B1).**

Huffman discloses all of the claimed subject matter of claims 5-6 and 11-14 with the exception of not explicitly disclosing code derived from an actual aircraft component (as per claims 5 and 12), namely a flight management system (FMS) (as per claims 6 and 13), and wherein the program is stored on a card executing in the host computer (as per claim 14). However, Lin discloses a networked flight simulation system wherein simulation code is derived from an actual flight management system (Col. 8, line 31; Fig. 2) and wherein the program is stored on a card (Col. 13). Hence, in view of Lin, at the time of the invention, it would have

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been obvious to a person of ordinary skill in the art to modify the simulation described in Huffman, by providing a simulation comprising code derived from an actual aircraft component, in order to provide a more accurate and realistic simulation of real avionics equipment.

**8. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darago et al. (USPN 6,170,014 B1; hereinafter Darago) in view of Lin (USPN 6,478,581 B1).**

Huffman discloses all of the claimed subject matter of claims 17-18 with the exception of not explicitly disclosing code derived from an actual aircraft component (as per claim 17), namely a flight management system (FMS) (as per claims 18). However, Lin discloses a networked flight simulation system wherein simulation code is derived from an actual flight management system (Col. 8, line 31; Fig. 2). Hence, in view of Lin, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the simulation described in Huffman, by providing a simulation comprising code derived from an actual aircraft component, in order to provide a more accurate and realistic simulation of real avionics equipment.

**9. Claims 19, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darago et al. (USPN 6,170,014 B1; hereinafter Darago) in view of Huffman (USPN 6,053,736).**

Darago discloses all of the claimed subject matter of claims 19 and 21-22 with the exception of not explicitly disclosing that the network is a distributed interactive simulation network (DIS) (as per claim 19), for providing distributed mission training scenarios (as per claims 21 and 22). However, Huffman discloses a flight simulation system provided via a network, wherein the network is a distributed interactive simulation network (see Fig. 1). At the

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time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the network described in Darago, by providing a distributed interactive simulation network, in light of the teachings of Huffman, in order to provide a standardized network for providing interactive simulation of aircrafts, and thereby permitting remote interactive mission and training scenarios.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

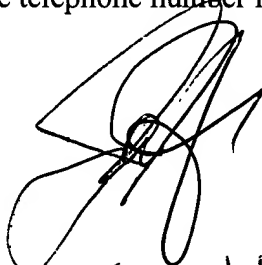
- U.S. Congress, Office of Technology Assessment – discloses a system for distributed interactive simulation of combat.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is 703-305-5490. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

CS  
CS  
May 2, 2003



John H. H. H.